

Notice of Allowability

Application No.

10/673,748

Applicant(s)

GARMAN ET AL.

Examiner

Art Unit

Sarah E. Husband

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks 7/17/2006.
2. ☒ The allowed claim(s) is/are 1-9, 11-15, 17, 18, 20-25, 27-33 and 35-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed 7/17/2006, with respect to claims 1-9, 11-15, 17, 18, 20-25, 27-33 and 35-40 have been fully considered and are persuasive. The 102 and 103 rejections have been withdrawn. Because of their cancellation, the rejection of claims 10, 16, 19 and 26 is considered moot.

The filing of the Terminal Disclaimer is also noted with reference to application No. 10/673742 (now Patent No. 7040331). The Terminal Disclaimer is improper because it is directed to a particular claim or claims, which is not acceptable, since "the disclaimer must be of a terminal portion of the term of the entire [patent or] patent to be granted." See MPEP § 1490. However, in light of the claim amendments, the double patenting rejection over 10/673742 is considered inappropriate and therefore withdrawn.

Allowable Subject Matter

Claims 1-9, 11-15, 17, 18, 20-25, 27-33 and 35-40 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest an apparatus for cleaning residue from the bore of a tube having a transport means having a first motor for extending and retracting the hose with the hose storage space concentrically aligned and a second motor for rotating the transport means and the reel passively following the rotation of the transport means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany

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the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas L. Tschida on October 26, 2006.

The application has been amended as follows:

Claim 1:

In Claim 1, line 10, delete "mounted to said transport means"

Claim 14:

In Claim 14, line 1, delete "disc" and insert -- disk --

Claim 18:

In Claim 18, line 3, delete "a drive motor"

Claim 20:

In Claim 20, line 11, delete "mounted to said transport means"

Claim 23:

In Claim 23, line 1, delete "disc" and insert -- disk --

Claim 27:

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In Claim 27, line 3, delete “a smooth outer wall and”

Claim 29:

In Claim 29, line 3, delete “wherein said”

In Claim 29, line 4, delete “rotating portion is coupled to said first motor, wherein said stationary portion is coupled”

In Claim 29, line 5, delete “to said second motor and a brake” and insert -- and including a brake --

In Claim 29, line 6, delete “and” and insert -- motor, --

In Claim 29, line 7, delete “second motors and brake means” and insert -- said transport rotation means and said brake means --

Claim 35:

In Claim 35, line 3, delete “a smooth outer wall and”

In Claim 35, line 12, delete “mounted to said transport means”

Claim 36:

In Claim 36, line 4, delete “wherein said rotating portion is coupled to said first motor, wherein said stationary”

In Claim 36, line 5, delete “portion is coupled to said second motor and” and insert -- and including --

In Claim 36, line 7, delete “and brake” and insert -- and said brake --

Claim 37:

In Claim 37, line 8, delete “and wherein said support frame is”

In Claim 37, line 9, delete "mounted to said rotating portion"

Claim 40:

In Claim 40, line 4, delete "wherein a support frame containing a plurality of pinch rollers, said first motor"

In Claim 40, line 5, delete "and a pinch wheel tensioner is mounted to said rotating portion, wherein said stationary"

In Claim 40, line 6, delete "portion is coupled to said second motor and" and insert -- and including a clamp means for detachably retaining said transport means to said framework and further including --

In Claim 40, line 8, delete "and including clamp means for detachably"

In Claim 40, line 9, delete "retaining said transport means to said framework"

Specification

In the specification at page 11, line 10, as amended July 17, 2006, please delete "having a smooth outer wall".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SEH

A handwritten signature in black ink, appearing to read 'Michael Barr', with a long, sweeping horizontal line underneath.

MICHAEL BARR
SUPERVISORY PATENT EXAMINER